



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

JUN 3 2003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Suzanne K. Peterson
Compliance Coordinator
Victory Motorcycle Division
Polaris Industries
805 Seminole Ave
Plant 2
Osceola, WI 54020

NVS-214jry
PE03-022

Dear Ms. Peterson:

As you know we recently opened PE03-022 to investigate alleged unintentional sidestand deployment on certain Victory brand motorcycles.

The two (2) attached complaints allege sudden and unforeseen sidestand deployment due to retaining spring failure while riding a Victory motorcycle. Both owners claim to be aware of other owners reporting similar failures. To aid in assessing this issue's scope, we are requesting information from your company.

Unless otherwise stated in the text, the following definitions apply to this information request:

- **Subject vehicles:** all MY 1999-2002 Victory brand motorcycles, produced for sale in the U.S. with a subject component.
- **Alleged defect:** unintentional side stand deployment including, but not limited to, subject component failure on the subject vehicles.
- **Subject component:** Sidestand spring, part number 7042047.
- **Polaris:** Polaris Industries, all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents,



DOT AUTO SAFETY HOTLINE
888-DASH-2-DOT
888-327-4236

contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Polaris (including all business units and persons previously referred to), who are or, in or after 1993, were involved in any way with any of the following related to the alleged defect in the subject vehicles:

- a. design, engineering, analysis, modification or production (e.g. quality control);
 - b. testing, assessment or evaluation;
 - c. consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
 - d. communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.
- **Document:** "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all nonidentical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by Polaris, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a nonidentical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in

color must be provided in color. Furnish all documents whether verified by the manufacturer or not. If a document is not in the English language, provide both the original document and an English translation of the document.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Please repeat the applicable request verbatim above each response. After Polaris's response to each request, identify the source of the information and indicate the last date the source updated the information prior to the preparation of the response. Insofar as Polaris has previously provided a document to ODI, Polaris may either produce it again, or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the Information Request letter (including the subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

If Polaris cannot respond to any specific request or subpart thereof, please state the reason why it is unable to do so. If Polaris claims that any document or other information or material responsive to any of the following items need not be provided to NHTSA because it is privileged or the work product of an attorney, separately by information request number, for each document or other information or material, state the nature of that information or material and identify any document in which it is found by date, subject or title, name and position of the person from, and the person to whom it was sent, and the name and position of any other recipient. Polaris must also describe the basis for the claim, and explain why Polaris believes it applies.

In responding to all of the below requests, please furnish in electronic form, any responses that contain more than ten items (i.e. warranty records, part sales, vehicle population data). Such responses should be submitted in spreadsheet files compatible with Microsoft Excel 2000 or in database file compatible with Access 2000. Please display any date information in the following format: day-month-year; Example: 01-Dec-00.

1. Separately, for each month/year of production, state the number of subject vehicles sold in the United States by model year/model.
2. State the number and provide copies of all the following, from all sources, of which Polaris is aware and which relate, or could relate to the alleged defect:
 - a. owner complaints;
 - b. field reports;
 - c. crash/incident claims;
 - d. subrogation claims;
 - e. lawsuits; and
 - f. third-party arbitration proceedings (where Polaris is a party to the arbitration).

Please list the responsive complaints and collate the documents for each category ("a" through "f") by date of claim. Your complaint listing (in a format compatible with Microsoft Excel 2000 or Microsoft Access 2000); should contain the incident date, vehicle mileage at time of incident (if known), vehicle build date, model year, and disposition of the matter. For items "a" through "d," please provide all related information, including reports and photographs, whether or not verified by Polaris. For items "e" and "f," provide a summary containing the caption, court, docket number, and lawsuit/arbitration filing date. For each lawsuit identified in response to item "e," please provide a copy of the complaint.

3. If Polaris has issued any service or technical bulletins, advisories, or other communications to dealers, zone offices, or field offices pertaining to the alleged defect, provide a copy of each such document. If no such documents have been issued, so state. For each document identified:
 - a. Provide a complete chronology listing all activities or events, including, but not limited to incidents involving the subject component, which led Polaris to believe it needed to undertake the communication;
 - b. Provide a listing (in chronological order) of all information related to any testing through which the need for the communication was identified and/or assessed, even if the testing was being conducted for another purpose. Please provide a copy of each item listed; and
 - c. Provide the number of repairs and/or replacements paid for by Polaris that resulted from the communication identified. List your response by repairing dealer (and include the dealer name, address, and phone number).
4. Provide a listing of all warranty claims, including extended warranty claims, and requests for "good will," field, or zone adjustments received by Polaris that relate to the alleged defect, by model, model year, build month, VIN, calendar month of claim, and problem claim code. Each problem claim code must be identified.
5. By month/year of sale, state the number of subject components sold.
6. Identify and provide copies of all documents reflecting any study, survey, and investigation pertaining to the alleged defect that is known to Polaris. Include all pertinent documents, regardless of whether they are in interim, draft, or final form.
7. Identify and describe all significant modifications or changes made by or on behalf of Polaris that may relate in any way to the alleged defect. Include any and all changes that relate (or may relate) to the subject component. The following information must be included for each such modification or change:
 - a. the component name, original and modified part number(s), and the approximate date on which the modification or change was incorporated into production;
 - b. a description of the modification or change;
 - c. the reason for the modification or change;
 - d. whether components produced after the change/modification date can be interchanged with earlier production components;

- e. the number of subject vehicles produced both before and after each modification or change; and
- f. a complete chronology of events leading to the modification or change.

8. Furnish Polaris's assessment of the alleged defect. Please address the following:

- a. all causal or contributory factors;
- b. failure mode;
- c. root cause of the failures;
- d. potential for future occurrences of unintentional side stand deployment; and
- e. safety consequences.

This letter is being sent to Polaris pursuant to 49 U.S.C. §30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49. It constitutes a new request for information. Polaris's failure to respond promptly and fully to this letter could subject it to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Please note that maximum civil penalties under 49 U.S.C. § 30165 have increased as a result of the recent enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, Public Law No. 106-414 (signed November 1, 2000). Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$5,000 per day, with a maximum of \$15 million for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. This includes failing to respond to ODI information requests.

If Polaris cannot respond to any specific request or subpart thereof, please state the reason why it is unable to do so. If on the basis of attorney client, attorney work product, or other privilege, Polaris does not submit one or more requested documents or items of information in response to this information request, it must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, name and position of the person/s from, and the person/s to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

Polaris's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by July 18, 2003. Please reference your response to PE03-022. If Polaris finds that it is unable to provide all of the information requested within the time allotted, it must request an extension from Richard Boyd at (202) 366-4933 no later than five business days before the response due date. If Polaris is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Polaris then has available, even if it has received an extension.

If Polaris claims any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, it must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, to the Office of Chief Counsel (NCC-30), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. Polaris is required to submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.

If you have any technical questions concerning this matter, please call Bob Young of my staff at (202) 366-4806.


Sincerely,

Original Signed By

Richard Boyd, Chief
H&MD Vehicle Division
Office of Defects Investigation


Enclosures: Vehicle owner questionnaires, 8009773 and 10010647



 U.S. Department of Transportation National Highway Traffic Safety Administration		DOT Auto Safety Hotline Vehicle Owner's Questionnaire To Report Vehicle Safety Defects 1-888-DASH-2-DOY (1-888-327-4258) INTERNET: www.nhtsa.dot.gov/hotline		FOR AGENCY USE ONLY (SEE INSTRUCTIONS) Date Received 17-MAR-2003		Reference No. 10010447	
OWNER INFORMATION (Type or Print)				Telephone Number City		E-mail Address	
Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO In the absence of an authorization, NHTSA WILL NOT provide your name or address to the vehicle manufacturer.				Signature of Owner _____ Date _____			
VEHICLE INFORMATION							
Make VICTORY				Model V12SC SPORTCRUISE		Model Year 2000	
Date Purchased 29-MAR-01		Dealer's Name and Telephone Number ZACKS V-TWIN				Engine: Hor Cylinders: 2	
Original Owner <input checked="" type="checkbox"/>		Dealer's City HYDE PARK		State NY		Zip Code	
Transmission Type MANUAL		<input type="checkbox"/> Automatic <input type="checkbox"/> Cruise Control		Powertrain UNKNOWN		Vehicle Detection Code 350000 EQUIPMENT	
Multiple Failure: 2							
FAILED COMPONENT(S)/PART(S) INFORMATION							
Incident Date(s) 05-MAR-2003		Failure Mileage 4080		Failure Speed 5			
ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE							
The Make		The Model (Name or Number)			The Size (Example P215/60R15)		
DOT No. (Example DOTN0000000000)		<input type="checkbox"/> Original Equipment <input type="checkbox"/> After Market		Failure Location:			
The Component Code				The Failure Type			
ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE							
Make		Date Manufactured			Model No./Name		
Seat Type		Installation System					
CNR Seat Component Code				Failed Parts			
APPLICABLE INCIDENT INFORMATION (Please check all that apply: Check all that apply, and if not, leave blank.)							
Crash <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Fatality <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Number of Persons Injured 0		Number of Deaths 0	
				Reported to Police N			
Describe the incident(s), crash(es), and injury(ies). Please describe (1) exactly what happened, (2) where and its consequences, and (3) what was done to correct the failure. (If parts required or replaced, list if not, if not, list if not.)							
VICTORY MOTORCYCLE 2000 MODEL #2SC - KICK STAND SPRING BROKE CAUSING KICK STAND TO COME DOWN AND HAD TO MAKE AN EMERGENCY STOP. THIS IS THE SECOND TIME THE SPRING ON THE KICK STAND HAS BROKEN. THIS IS A POTENTIALLY HAZARDOUS AND LIFE THREATENING OCCURRENCE.							
Include, if available, Police/Department Report, Photos, and Repair Invoice.							
ATTACH ADDITIONAL SHEETS IF NECESSARY.							

The Privacy Act of 1974 (Public Law 93-549) states that information is requested pursuant to the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond to this questionnaire. Your response may be used to assist the NHTSA in determining whether a manufacturer is in violation of the safety defect recall law. NHTSA prescribes with this questionnaire and any information submitted in support of a manufacturer's response, or a manufacturer's response, may be used in support of this agency's action.

Form Approved OMB No. 2127-0041

 U.S. Department of Transportation National Highway Traffic Safety Administration		DOT Auto Safety Hotline Vehicle Owner's Questionnaire To Report Vehicle Safety Defects 1-888-DASH-2-STOP (1-888-227-4236) INTERNET: www.nhtsa.dot.gov/hotline		FOR AGENCY USE ONLY 758	
		Date Received 14-MAY-2002	Repository <input type="checkbox"/> Reference No. 8009773		
OWNER INFORMATION (Type or Print)				Domestic Telephone Number	E-mail Address
Name Address City	[Redacted]			[Redacted]	[Redacted]
Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO In the absence of an authorization, NHTSA WILL NOT provide your name or address to the vehicle manufacturer. Signature of Owner _____ Date _____					
VEHICLE INFORMATION					
17 digit Vehicle Identification Number located in bottom of dashboard or driver's side:				Make VICTORY	Model Year 2001
VIN: 5VPCB1506Y3001309				Model V47	Fuel Type Gasoline
Dealer's Name and Telephone Number	Dealer's City		State	Zip Code	Engine V47
Dealer's Name <input checked="" type="checkbox"/>	Dealer's City		State	Zip Code	Fuel Type
Transmission Type MANUAL	<input type="checkbox"/> Automatic Powertrain <input type="checkbox"/> Cruise Control		Vehicle Components Cost \$90000 OTHER		
Multiple Failure:					
FAILED COMPONENT(S) / PART(S) INFORMATION					
Incident Date(s) 01-MAR-2002	Failure Mileage 300	Failure Speed 5	[Redacted]		
ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE					
Tire Make	Tire Model (Name or Number)		Tire Size (Ex: 155/55R13)		
DOT No. (Ex: 3DTVALSAB0037)	<input type="checkbox"/> Original Equipment <input type="checkbox"/> Aftermarket		Failure Location		
Tire Component Code			Tire Failure Type		
ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE					
Make	Make Year/Model		Model No./Name		
Seat Label	Installation Diagram		[Redacted]		
Child Seat Component Code			Failed Part		
APPLICABLE INCIDENT INFORMATION					
Total number of vehicles involved: (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20)					
Crash <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Number of Persons Injured 2	Number of Deaths 0	Reported to Police 0		
Narrative Description of Incident(s), Crash(es), and Injury(ies). Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure. (e.g., parts repaired or replaced (and if old part is available)).					
SPRING THAT HOLDS KICKSTAND BROKE, CAUSING MOTORCYCLE TO FALL OVER WHEN MAKING A TURN. DRIVER AND PASSENGER SUSTAINED SERIOUS INJURIES. *AK					
Include, if available, Police/FA Department Report, Photos, and Receipt Invoices.					
ATTACH ADDITIONAL SHEETS IF NECESSARY					
The Privacy Act of 1974 (5 U.S.C. 552) states that information is requested pursuant to authority vested in the National Highway Traffic Safety Administration and its predecessor agencies. Your response may be used to assist the NHTSA in determining whether a manufacturer should be taking appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary of the responses, may be used in support of the agency's action.					